IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR

WRIT PETITION NO.563 OF 2007.

Office Notes, Office Memoranda of Coram, appearances, Court's orders or directions and Registrar's orders.	Court's or Judge's orders

Mr. S.G.Shukla, Advocate for Petitioner.

CORAM : R.C.CHAVAN, J.

DATED : JUNE 12, 2007.

1. This petition is directed against order passed by Customs, Excise & Service Tax Appellate Tribunal, Mumbai, rejecting petitioner's application for condonation of delay in preferring appeal. The learned counsel submitted that the petitioner's manager who was looking after the concerned proceedings left job on 21.12.2005. The petitioner appointed a successor on 01.05.2006 and thereafter the successor promptly preferred the appeal on 19.05.2006. The petitioner's counsel state that in paragraph 17 of the petition reasons for delay have been explained, which reasons, according to the learned counsel, should have

satisfied with the Tribunal.

2. If private managements also started getting involved in bureaucratese and hide behind their own negligence of not filling up important managerial post, in order to justify the delay in preferring appeal there would be no end to litigation in this country. The petitioner's failure to appoint Manager for five months cannot be the justification for condonation of delay. The petitioner's contention that papers of the case got mixed up because the petitioner has several excise cases is still more atrocious reason, indicating mis-management in petitioner's concern. Therefore, the Tribunal cannot be faulted for observing that there was no good reason for condonation of delay and the order does not call for any interference in exercise of jurisdiction under Article 226 or 227 of the Constitution.

The petition is, consequently, dismissed.

JUDGE.

RR.